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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,613	03/08/2001	Leland James Wieschuegel	AUS920010024US1	5323

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/801,613

Applicant(s)

WIESEHUEGEL ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Claims 1-23 are pending in the instant application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin U.S. Patent Application Publication US 2002/0059131.**

Referring to claim 1. Goodwin discloses a method for preparing and presenting entitled offerings to guest participants in online offerings a auctions, said guest participants including guest brokers, bidders, buyers and traders, said method comprising the steps of:

- Providing a profile for each guest in a computer-readable record (Fig. 2, User Profiles”), each profile containing one or more entitlement definitions (paragraph 0125) indicating allowable items which a guest may receive information but for which is "read-only" and is to be restricted from placing bids (paragraph 0110 to paragraph 0111), said entitlement definitions being determined by and controlled by a contract between an offeror and

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- a guest auction participant such that said guest auction participant is prevented from modifying the entitlement schema;
- Preparing one or more entitled offerings through filtering an available items list according to said profiles such that said prepared entitled offerings include only offerings for one or more items to which a guest is allowed offers as defined by the guest's entitlement definitions (paragraph 0125); and
  - Presenting via a computer user interface said entitled offerings to one or more guests such that each guest may review his or her entitled offerings (Fig. 3 and paragraph 0061).

Goodwin does not expressly disclose a previously established reseller contract between an offeror and a guest participant. Goodwin does disclose the establishment of a contract during their process.

The Examiner notes, in one embodiment of Goodwin, the system stores a profile of the seller, such that portions of the forms can be "filled out" by the system in advance. The profile of a seller, in one embodiment, also stores other information (contractual information) provided by a seller, such as preferences, criteria for accepting bids, restrictions on bids (e.g., certain users may be prohibited from bidding), restrictions on access to information (bidders may be required to sign on and/or acknowledge specific conditions before receiving information), specification of type of bidding to occur (e.g., type of auction), permission for the system to accept bids on behalf of the user, etc (paragraph

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0111). All of this information is stored via the Debt Management System **30** (as shown in Figure 3). If a buyer wants to participate in a transaction with a seller, they are obligated to bid according to a contractual relationship.

The Examiner further notes, to have modified the method of Goodwin to have included a previously established reseller contract would have been obvious to the skilled artisan because the inclusion of such step would have been an obvious matter of design choice in light of the method already disclosed by Goodwin. Such modification would not have otherwise affected the method of Goodwin and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Goodwin. Additionally, applicant has not persuasively demonstrated the criticality of providing this step versus the steps disclosed by Goodwin.

Referring to claim 2. Goodwin discloses a method wherein said step of providing a profile with entitlement definitions comprises providing an item category parameter within said entitlement definitions (paragraph 0144).

Referring to claim 3. Goodwin discloses a method wherein said step of providing a profile with entitlement definitions comprises providing a guest location parameter within said entitlement definitions (paragraph 0110 to paragraph 0111).

Referring to claim 4. Goodwin discloses a method wherein said step of preparing one or more entitled offerings comprises removing items from said available items list which are unmatched by a category parameter within a

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guest's entitlement definition to produce a minimized list of items for which a guest is entitled to receive offerings (paragraph 0125).

Referring to claim 5. Goodwin discloses a method wherein said step of preparing one or more entitled offers comprises removing items from said available items list which are unmatched by a guest's location parameter within an entitlement definition to produce a minimized list of items for which a guest is entitled to receive offerings (Table 1, "Search for financial product by: Geographic Location...").

Referring to claim 6. Goodwin discloses a method wherein said step of presenting via a computer user interface said entitled offerings to one or more guests comprises presenting said entitled offerings via a web browser user interface (Fig. 3 and paragraph 0061).

Referring to claim 7. Goodwin discloses a method comprising disabling and restricting bid attempts from said guest for items that are indicated as "read-only" in the guest's profile (paragraph 0110 to paragraph 0111).

Referring to claim 8. Goodwin discloses a method comprising enabling bid attempts from said guest for items that are indicated as "entitled" in the guest's profile (paragraph 0125).

Referring to claims 9-16. Claims 9-16 are rejected under the same rationale as set forth above in claims 1-8.

Referring to claim 17. Goodwin discloses an offering system in a computer network for preparing and presenting entitled offerings to guests of online offer and auction systems, said guests including brokers, buyers, bidders

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and traders, said computer network enabling communications between said online offer system and guest consoles, said offering system comprising:

- A database containing entitled sales offerings, said database accessible and queriable by network application servers (paragraph 0125 and paragraph 0110 to paragraph 0111);
- An entitled offering preparation server for preparing entitled offerings through filtering lists of available items against guest entitlement parameters to produce entitled offerings including one or more items to which a guest is entitled to receive information and for which a guest is restricted to bid, said entitlement parameters being determined by and controlled by a contract between an offeror and a guest auction participant such that said guest auction participant is prevented from modifying the entitlement schema, and for storing entitled sales offerings in said database (paragraph 0125 and paragraph 0110 to paragraph 0111); and
- A network application server for providing sales offerings to guest console computers (Fig. 2).

Referring to claim 18. Goodwin discloses an offering system wherein said network application server is an Internet server (abstract).

Referring to claim 19. Goodwin discloses an offering system wherein said network application server is a Hyper Text Transfer Protocol (HTTP) server (paragraph 0052).

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Referring to claim 20. Goodwin discloses an offering system wherein said network application server is a secure Hyper Text Transfer Protocol (HTTPS) server (paragraph 0052).

Referring to claim 21. Goodwin discloses an offering system wherein said network application server is adapted for communications with guest console computers that are web browser devices (abstract).

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claims 1-8.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claims 1-8.

### ***Response to Arguments***

Applicant's arguments filed 9/27/2004 have been fully considered but are moot in view of the new grounds for rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory



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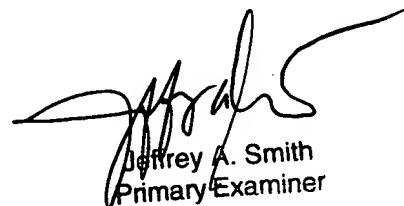
action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG  
Patent Examiner  
November 16, 2004



Jeffrey A. Smith  
Primary Examiner